

12-24.22

EXPRESS MAIL EV196864666US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents
Box CPA
Washington, D. C. 20231

CPA 5
#12
Reg 1232
S. P.A.
J. Bryce
1/6/03
RECEIVED

DEC 30 2002

TECHNOLOGY CENTER R3700

CONTINUATION APPLICATION UNDER RULE 53(d)

I. This is a request for a filing under Rule 53(d) for a continuation of prior complete application Serial No. 09/552,743, filed April 18, 2000.

II. TITLE: ANTERIOR EXPANDABLE SPINAL FUSION CAGE SYSTEM

III. APPLICANT:

1. Name: Roger P. Jackson
Residence: 4706 W. 86th Street
Post Office Address: Prairie Village, Kansas 66207

12/27/2002 CNGUYEN 00000112 09552743

01 FC:2006
02 FC:2201

370.00 OP
42.00 OP

IV. ABANDONMENT OF PARENT APPLICATION:

The parent application of the present application, Serial No. 09/552,743, in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that, if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. 1.53(d) application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

It is also understood that the new application will be assigned the application number of the parent application for purposes of identification.

V. DECLARATION:

As this is a continuation application, no additional declaration is required.

VI. FEE CALCULATION - AMENDMENTS:

Please enter the accompanying Preliminary Amendment prior to calculating fees.

The fees to be charged are to be based on the number of claims remaining as a result of the attached preliminary amendment.

CLAIMS FOR FEE CALCULATION

Number Filed	Number Extra	Rate	Basic Fee \$ 370
<hr/>			
Total Claims	11 - 20 = 0	x \$ 9	= 0
<hr/>			
Independent Claims	4 - 3 = 1	x \$ 42	= 42
<hr/>			
Multiple Dependent Claim(s), if any		x \$130	=

Filing Fee Calculation

\$ 412

VII. METHOD OF PAYMENT OF FEES:

Attached is Check No. 2106
in the amount of: \$ 412.00

A duplicate of this request is attached.

VIII. AUTHORIZATION TO CHARGE ADDITIONAL FEES:

The Commissioner is hereby authorized to charge the following additional fees which may be required to Deposit Account No. 50-1253 for fees under:

37 C.F.R. 1.16 (filing fees)

37 C.F.R. 1.16 (presentation of extra claims)

37 C.F.R. 1.17 (application processing fees)

All other necessary fees.

IX. INSTRUCTIONS AS TO OVERPAYMENT:

For any overpayments, please credit Deposit Account No. 50-1253.

X. SMALL ENTITY STATUS:

Small Entity Status remains in effect from parent application Serial No. 09/552,743, filed April 18, 2000.

XI. POWER OF ATTORNEY:

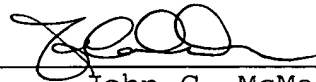
The Power of Attorney in the prior application is to John C. McMahon, Reg. No. 29,415 and continues to apply to the present application. This Power appears in the original papers in the prior application.

XII. MAINTENANCE OF COPENDENCY OF PRIOR APPLICATION:

A Request for Extension of Time, fee and response has been filed to extend the term in the pending prior application, Serial No. 09/552,743, until December 25, 2002.

Please abandon the prior application after the petition for extension of time in that application is granted, and after this application is granted a filing date, so as to make this application copending with said prior application.

Respectfully Submitted,



John C. McMahon
Reg. No. 29,415
Attorney

JCM:lm
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Kansas City, Missouri 64112
Phone: (816) 531-3470